

[Filed 7/14/08]

IN THE IOWA DISTRICT COURT FOR WINNEBAGO COUNTY

STATE OF IOWA, ex rel., IOWA
DEPARTMENT OF NATURAL
RESOURCES (99AG23542),

Plaintiff,

vs.

GOLDEN OVAL EGGS, L.L.C.,

Defendant.

LAW NO. LACV016493

**CONSENT ORDER
JUDGMENT AND DECREE**

FILED
JUL 14 PM 3:30
CLERK OF DISTRICT COURT

NOW on this 14 day of July, 2008, the Court is presented with the Plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code section 455B.191(1). The Court having read the Petition and being otherwise advised by the parties FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to the entry of this Consent Order, Judgment and Decree.
2. The Defendant admits, for settlement of this action only and for no other purpose, the violations alleged in paragraph 30 in the Petition at Law. In addition, Defendant admits, for settlement of this action only and for no other purpose, discharge of pollutants into a water of the state at levels exceeding monthly averages and/or daily maximum effluent limitations for biochemical oxygen demand (BOD), total suspended solids (TSS), and/or ammonia nitrogen (N) in March, April, May, June, July and September, 2007; and January, March, April and May, 2008.

3. By admitting these violations solely for purposes of resolving the above-captioned matter, Defendant does not admit to any other alleged violations or waiver of any defense, legal or equitable, that Defendant may have in any future administrative or judicial proceeding, except a proceeding to enforce this Consent Order, Judgment and Decree, nor does the Defendant waive its right to contest that the violations are applicable to a habitual violator determination under Iowa Code section 459.604.

4. The Defendant states that it has worked cooperatively and in a timely manner to address the violations identified herein by taking several steps to attain compliance, and agreeing to make significant structural improvements to its wastewater treatment facility to ensure continued compliance. Defendant states that the violations identified herein were unintentional.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Defendant Golden Oval Eggs, L.L.C. shall pay a civil penalty of Two Hundred Thousand Dollars (\$200,000.00) for the violations admitted herein within ten (10) days of the entry of this Consent Order, Judgment and Decree. The Defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payment of the civil penalty and any interest shall be made payable to the State of Iowa and forwarded to Assistant Attorney General Timothy Benton at the address below:

2. Defendant Golden Oval Eggs, L.L.C. is permanently enjoined from further violations of Iowa Code section 455B.186(1), 567 Iowa Admin. Code 64.3(1), and NPDES Permit No. 9500102 at its Thompson, Iowa facility.

3. This Consent Order, Judgment and Decree is in full compromise and settlement of all violations alleged in the Petition and referenced herein to have been committed by Defendant, and all violations arising out of the same facts and circumstances referred to in the Petition and referenced herein that were known or should have been known to the State of Iowa as of the date of filing of this Consent Order, Judgment and Decree.

4. Defendant shall also complete improvements to its wastewater treatment facility, pursuant to the construction permit issued by the Iowa Department of Natural Resources (DNR) on February 11, 2008, according to the following schedule:

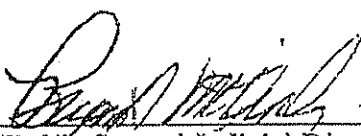
- A. Completion of Site Work by October 31, 2008
- B. Installation of Blower Building by January 31, 2009
- C. Completion of Lagoon Modifications by April 30, 2009
- D. Completion of Construction by April 30, 2009

If Defendant cannot meet a project deadline above, it shall notify the DNR in writing at least twenty (20) days in advance of the deadline of the reasons for the delay and the proposed extension of the deadline. The DNR may grant in writing an extension to a proposed deadline. In addition, commencing September 1, 2008, until completion of the project, Defendant shall submit monthly construction reports to the DNR. The reports shall outline the progress of the construction work on its wastewater treatment system, specifically describing the work which has been completed and the work remaining to be done. Until completion of the improvements, Defendant shall take measures to mitigate the impact of its wastewater discharge upon the receiving stream, including but not limited to the reduction of influent loading to its wastewater treatment facility.

5. The Court retains jurisdiction of this matter to ensure compliance with the terms of this Order.

6. The costs of this action are taxed to the Defendant in the amount of \$ 100⁰⁰.

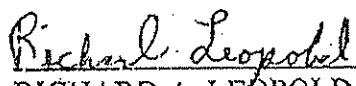
(Clerk to enter).



JUDGE, Second Judicial District of Iowa

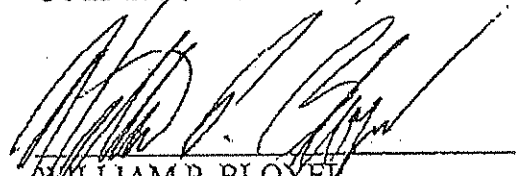
Approved as to form:

IOWA DEPARTMENT OF
NATURAL RESOURCES


RICHARD A. LEOPOLD
Director


Wayne Lischer

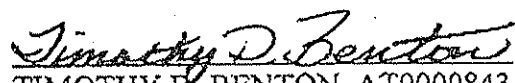
GOLDEN OVAL EGGS, L.L.C.



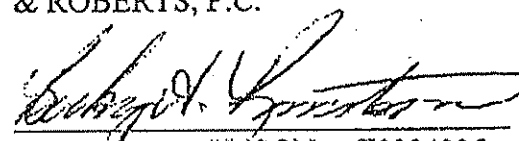
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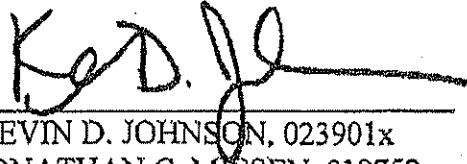
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